

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	5

MR. SPEAKER:

Your Committee on Public Policy, to which was referred House Bill 1213, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between lines 4 and 5, begin a new paragraph and insert:
- 2 **"Sec. 1. This chapter does not apply to the following:**
- 3 **(1) A private residence, except when used as a licensed child**
- 4 **care, adult day care, or health care facility.**
- 5 **(2) A family owned and operated business in which all**
- 6 **employees are related to the owner, but only if the enclosed**
- 7 **areas of the business are not open to the public.**
- 8 **(3) The place of business of a self-employed individual in**
- 9 **which all employees are related to the self-employed**
- 10 **individual, but only if the enclosed areas of the place of**
- 11 **business are not open to the public.**
- 12 **(4) A hotel or motel room that is:**
- 13 **(A) rented to guests; and**
- 14 **(B) designated as a smoking room;**
- 15 **as long as not more than twenty percent (20%) of the rooms**

- 1 rented to guests in the hotel or motel are designated as
- 2 smoking rooms.
- 3 (5) A retail tobacco store.
- 4 (6) A vehicle used by an employee while in the service of an
- 5 employer if the vehicle is occupied only by that employee.
- 6 (7) A tobacco bar.
- 7 (8) A licensed premises (as defined in IC 7.1-1-3-20) that:
- 8 (A) holds a beer, liquor, or wine retailer's permit;
- 9 (B) permits no individual to enter at any time who is less
- 10 than eighteen (18) years of age;
- 11 (C) employs no individual less than eighteen (18) years of
- 12 age;
- 13 (D) is not located in a business that would otherwise be
- 14 subject to this chapter; and
- 15 (E) has provided notice to the local health department as
- 16 part of its annual application for a retail food
- 17 establishment license that:
- 18 (i) it intends to permit smoking;
- 19 (ii) it intends to serve only customers who are at least
- 20 eighteen (18) years of age; and
- 21 (iii) the establishment is otherwise entitled to an
- 22 exemption under this section.
- 23 (9) A business that:
- 24 (A) is exempt from federal income taxation under 26
- 25 U.S.C. 501(c);
- 26 (B) is a club (as defined in IC 7.1-3-20-1) or a fraternal
- 27 club (as defined in IC 7.1-3-20-7);
- 28 (C) holds a beer, liquor, or wine retailer's permit; and
- 29 (D) provides food or alcoholic beverages only to its bona
- 30 fide members and their guests.
- 31 (10) The gaming area of a person that is the holder of one (1)
- 32 or more of the following:
- 33 (A) A permit to conduct horse racing under IC 4-31-5. The
- 34 gaming area for a license holder for horse racing means
- 35 the enclosed seating area where live racing is observed
- 36 (B) An owner's license under IC 4-33-6.
- 37 (C) A contract as an operating agent under IC 4-33-6.5.
- 38 (D) A gambling game license under IC 4-35-5.

1 **Each premises to which this subdivision applies must provide**
 2 **for at least twenty percent (20%) of the gaming positions in a**
 3 **designated contiguous area to be smoke free. "**

4 Page 1, line 5, delete "1." and insert "2."

5 Page 1, line 7, delete "2." and insert "3."

6 Page 1, line 12, delete "3." and insert "4."

7 Page 2, line 6, delete "4." and insert "5."

8 Page 2, line 10, delete "5." and insert "6."

9 Page 2, between lines 21 and 22, begin a new paragraph and insert:

10 **"(c) If a premises is exempt from the prohibition on smoking**
 11 **under this chapter or a local ordinance, the proprietor must post**
 12 **a conspicuous sign at any public entrance of the premises stating**
 13 **that the premises is a smoking facility."**

14 Page 2, line 22, delete "6." and insert "7."

15 Page 2, line 27, delete "7." and insert "8."

16 Page 2, line 32, delete "8. This chapter does not prohibit a county,
 17 city, town, or" and insert "**9. (a) An ordinance of a county, city, town,**
 18 **or other governmental unit that restricts smoking in a public place**
 19 **and that is:**

20 **(1) more restrictive than this chapter; and**

21 **(2) adopted before January 1, 2010;**

22 **is not preempted by this chapter.**

23 **(b) An ordinance of a county, city, town, or other governmental**
 24 **unit that restricts smoking in a public place and that is:**

25 **(1) more restrictive than this chapter; and**

26 **(2) adopted after December 31, 2009;**

27 **is preempted by this chapter.**

28 **(c) This chapter does not prohibit a county, city, town, or other**

- 1 **governmental unit from adopting an ordinance restricting smoking**
- 2 **in places that are not defined as public places by this chapter."**

- 3 Page 2, delete lines 33 through 34.
 (Reference is to HB 1213 as introduced.)

and when so amended that said bill do pass.

Representative Van Haaften